

## Certificate of Mailing by "Express Mail"

EL 997386315 US

"Express Mail" label number

March 2, 2005

Date of Deposit

I hereby certify that this correspondence is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service on the date indicated above and is addressed to:

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450.

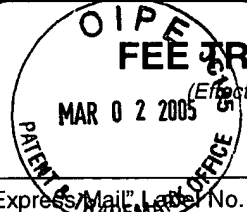
*Michael W. Haas*

Signature of person mailing correspondence


Michael W. Haas

Typed or printed name of person mailing correspondence

Note: Each paper must have its own certificate of mailing by "Express Mail".

	Application Number		10/790,321
	Filing Date		March 1, 2004
	First Named Inventor		TRIUNFO
	Confirmation Number		9016
	Group Art Unit		3743
	Examiner's Name		Mitchell, T.
"Express Mail" Label No. EL 997386315 US		Attorney Docket No. 02-64	
TOTAL AMOUNT OF PAYMENT		\$ 0.00	

METHOD OF PAYMENT	FEE CALCULATION (continued)																																																																																																																																																						
<p>1. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge indicated fees and credit any over payments to:</p> <p>Deposit Account Number: <u>50-0558</u></p> <p>Deposit Account Name: <u>Respironics, Inc.</u></p> <p><input checked="" type="checkbox"/> Charge any additional fee required under 37 C.F.R. §§ 1.16, 1.17, 1.19 and 1.20      <input type="checkbox"/> Charge the Issue Fee set forth in 37 C.F.R. § 1.18</p>	<p><b>3. APPLICATION SIZE FEE</b></p> <p>If the specification and drawings exceed 100 sheets of paper, the application size fee due is \$250 for each additional 50 sheets or fraction thereof. See 35 U.S.C. § 41(a)(1)(G) and 37 C.F.R. § 1.16(s).</p> <table style="width: 100%;"> <tr> <td style="text-align: center;">Total Sheets</td> <td style="text-align: center;">Extra Sheets</td> <td style="text-align: center;">Number of each additional 50 fraction thereof</td> <td style="text-align: center;">Fee(\$)</td> <td style="text-align: center;">Fee Paid(\$)</td> </tr> <tr> <td style="text-align: center;">_____ -100 = _____</td> <td style="text-align: center;">_____ /50 = _____</td> <td style="text-align: center;">(round up to a whole number)</td> <td style="text-align: center;">X 250 = _____</td> <td style="text-align: center;">_____</td> </tr> </table>	Total Sheets	Extra Sheets	Number of each additional 50 fraction thereof	Fee(\$)	Fee Paid(\$)	_____ -100 = _____	_____ /50 = _____	(round up to a whole number)	X 250 = _____	_____																																																																																																																																												
Total Sheets	Extra Sheets	Number of each additional 50 fraction thereof	Fee(\$)	Fee Paid(\$)																																																																																																																																																			
_____ -100 = _____	_____ /50 = _____	(round up to a whole number)	X 250 = _____	_____																																																																																																																																																			
<p>2. <input type="checkbox"/> Payment Enclosed:</p> <p style="padding-left: 20px;">Check (Check No. _____)</p>	<p><b>4. ADDITIONAL FEES</b></p> <table style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left;">Large Fee Code</th> <th style="text-align: left;">Entity Fee (\$)</th> <th style="text-align: left;">Small Fee Code</th> <th style="text-align: left;">Entity Fee (\$)</th> <th style="text-align: left;">Fee Description</th> <th style="text-align: left;">Fee Paid</th> </tr> </thead> <tbody> <tr><td>1051</td><td>130</td><td>2051</td><td>65</td><td>Surcharge - late filing fee or declaration</td><td></td></tr> <tr><td>1811</td><td>100</td><td>1811</td><td>100</td><td>Certificate of Correction</td><td></td></tr> <tr><td>1812</td><td>2,520</td><td>1812</td><td>2,520</td><td>For filing a request for reexamination</td><td></td></tr> <tr><td>576</td><td>25</td><td>576</td><td>25</td><td>Additional filing receipt, duplicate or corrected due to applicant error</td><td></td></tr> <tr><td>1251</td><td>120</td><td>2251</td><td>60</td><td>Extension for response within first month</td><td></td></tr> <tr><td>1252</td><td>450</td><td>2252</td><td>225</td><td>Extension for response within second month</td><td></td></tr> <tr><td>1253</td><td>1,020</td><td>2253</td><td>510</td><td>Extension for response within third month</td><td></td></tr> <tr><td>1254</td><td>1,590</td><td>2254</td><td>795</td><td>Extension for response within fourth month</td><td></td></tr> <tr><td>1255</td><td>2,160</td><td>2255</td><td>1,080</td><td>Extension for response within fifth month</td><td></td></tr> <tr><td>1401</td><td>500</td><td>2401</td><td>250</td><td>Notice of Appeal</td><td></td></tr> <tr><td>1402</td><td>500</td><td>2402</td><td>250</td><td>Filing a brief in support of an appeal</td><td></td></tr> <tr><td>1403</td><td>1,000</td><td>2403</td><td>500</td><td>Request for oral hearing</td><td></td></tr> <tr><td>1452</td><td>500</td><td>2452</td><td>250</td><td>Petition to revive unavoidably abandoned application</td><td></td></tr> <tr><td>1453</td><td>1,500</td><td>2453</td><td>750</td><td>Petition to revive unintentionally abandoned application</td><td></td></tr> <tr><td>1501</td><td>1,400</td><td>2501</td><td>700</td><td>Utility issue fee (or reissue)</td><td></td></tr> <tr><td>1502</td><td>800</td><td>2502</td><td>400</td><td>Design issue fee</td><td></td></tr> <tr><td>1814</td><td>130</td><td>2814</td><td>65</td><td>Statutory Disclaimer</td><td></td></tr> <tr><td>1460</td><td>130</td><td>1460</td><td>130</td><td>Petitions to the Director</td><td></td></tr> <tr><td>1807</td><td>50</td><td>1807</td><td>50</td><td>Petitions related to provisional applications</td><td></td></tr> <tr><td>1806</td><td>180</td><td>1806</td><td>180</td><td>Submission of Information Disclosure Stmt</td><td></td></tr> <tr><td>8021</td><td>40</td><td>8021</td><td>40</td><td>Recording each patent assignment per property (times number of property)</td><td></td></tr> <tr><td>1801</td><td>790</td><td>2801</td><td>395</td><td>Request for Continued Examination</td><td></td></tr> <tr><td>1504</td><td>300</td><td>1504</td><td>300</td><td>Publication Fee</td><td></td></tr> <tr><td colspan="6">Other Fee (specify) _____</td></tr> </tbody> </table>	Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description	Fee Paid	1051	130	2051	65	Surcharge - late filing fee or declaration		1811	100	1811	100	Certificate of Correction		1812	2,520	1812	2,520	For filing a request for reexamination		576	25	576	25	Additional filing receipt, duplicate or corrected due to applicant error		1251	120	2251	60	Extension for response within first month		1252	450	2252	225	Extension for response within second month		1253	1,020	2253	510	Extension for response within third month		1254	1,590	2254	795	Extension for response within fourth month		1255	2,160	2255	1,080	Extension for response within fifth month		1401	500	2401	250	Notice of Appeal		1402	500	2402	250	Filing a brief in support of an appeal		1403	1,000	2403	500	Request for oral hearing		1452	500	2452	250	Petition to revive unavoidably abandoned application		1453	1,500	2453	750	Petition to revive unintentionally abandoned application		1501	1,400	2501	700	Utility issue fee (or reissue)		1502	800	2502	400	Design issue fee		1814	130	2814	65	Statutory Disclaimer		1460	130	1460	130	Petitions to the Director		1807	50	1807	50	Petitions related to provisional applications		1806	180	1806	180	Submission of Information Disclosure Stmt		8021	40	8021	40	Recording each patent assignment per property (times number of property)		1801	790	2801	395	Request for Continued Examination		1504	300	1504	300	Publication Fee		Other Fee (specify) _____					
Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description	Fee Paid																																																																																																																																																		
1051	130	2051	65	Surcharge - late filing fee or declaration																																																																																																																																																			
1811	100	1811	100	Certificate of Correction																																																																																																																																																			
1812	2,520	1812	2,520	For filing a request for reexamination																																																																																																																																																			
576	25	576	25	Additional filing receipt, duplicate or corrected due to applicant error																																																																																																																																																			
1251	120	2251	60	Extension for response within first month																																																																																																																																																			
1252	450	2252	225	Extension for response within second month																																																																																																																																																			
1253	1,020	2253	510	Extension for response within third month																																																																																																																																																			
1254	1,590	2254	795	Extension for response within fourth month																																																																																																																																																			
1255	2,160	2255	1,080	Extension for response within fifth month																																																																																																																																																			
1401	500	2401	250	Notice of Appeal																																																																																																																																																			
1402	500	2402	250	Filing a brief in support of an appeal																																																																																																																																																			
1403	1,000	2403	500	Request for oral hearing																																																																																																																																																			
1452	500	2452	250	Petition to revive unavoidably abandoned application																																																																																																																																																			
1453	1,500	2453	750	Petition to revive unintentionally abandoned application																																																																																																																																																			
1501	1,400	2501	700	Utility issue fee (or reissue)																																																																																																																																																			
1502	800	2502	400	Design issue fee																																																																																																																																																			
1814	130	2814	65	Statutory Disclaimer																																																																																																																																																			
1460	130	1460	130	Petitions to the Director																																																																																																																																																			
1807	50	1807	50	Petitions related to provisional applications																																																																																																																																																			
1806	180	1806	180	Submission of Information Disclosure Stmt																																																																																																																																																			
8021	40	8021	40	Recording each patent assignment per property (times number of property)																																																																																																																																																			
1801	790	2801	395	Request for Continued Examination																																																																																																																																																			
1504	300	1504	300	Publication Fee																																																																																																																																																			
Other Fee (specify) _____																																																																																																																																																							
<p><b>1. BASIC FILING, SEARCH, AND EXAM FEES</b></p> <p style="text-align: center;">(Large Entity Only)</p> <table style="width: 100%;"> <thead> <tr> <th>Appln. Type</th> <th>Filing Fee(\$)</th> <th>Search Fee(\$)</th> <th>Exam Fee(\$)</th> <th>Fees Paid</th> </tr> </thead> <tbody> <tr><td>Utility</td><td>300</td><td>500</td><td>200</td><td></td></tr> <tr><td>Design</td><td>200</td><td>100</td><td>130</td><td></td></tr> <tr><td>Plant</td><td>200</td><td>300</td><td>160</td><td></td></tr> <tr><td>Reissue</td><td>300</td><td>500</td><td>600</td><td></td></tr> <tr><td>Provisional</td><td>200</td><td>0</td><td>0</td><td></td></tr> <tr> <td colspan="4" style="text-align: right;"><b>SUBTOTAL (1)</b></td> <td style="text-align: right;"><b>\$ 0.00</b></td> </tr> </tbody> </table>	Appln. Type	Filing Fee(\$)	Search Fee(\$)	Exam Fee(\$)	Fees Paid	Utility	300	500	200		Design	200	100	130		Plant	200	300	160		Reissue	300	500	600		Provisional	200	0	0		<b>SUBTOTAL (1)</b>				<b>\$ 0.00</b>	<p><b>2. CLAIMS</b></p> <table style="width: 100%;"> <thead> <tr> <th></th> <th>Extra Claims</th> <th>Fee from Below</th> <th>Fees Paid</th> </tr> </thead> <tbody> <tr> <td>Total Claims <u>19</u></td> <td>- 20 *</td> <td>0 x 50 =</td> <td>0.00</td> </tr> <tr> <td>Ind. Claims <u>2</u></td> <td>- 3 *</td> <td>0 x 200 =</td> <td>0.00</td> </tr> <tr> <td>Multiple Dependent Claims add</td> <td></td> <td>360 =</td> <td>0.00</td> </tr> </tbody> </table> <p>* Enter Highest Number Previous Paid For</p> <table style="width: 100%;"> <thead> <tr> <th>Large Entity Fee (\$)</th> <th>Small Entity Fee (\$)</th> <th>Fee Description</th> </tr> </thead> <tbody> <tr><td>1202 50</td><td>2202 25</td><td>Claims in excess of 20</td></tr> <tr><td>1201 200</td><td>2201 100</td><td>Independent claims in excess of 3</td></tr> <tr><td>1203 360</td><td>2203 180</td><td>Multiple dependent claim</td></tr> <tr><td>1204 200</td><td>2204 100</td><td>Reissue independent claims over original patent</td></tr> <tr><td>1205 50</td><td>2205 25</td><td>Reissue claims in excess of 20 and over original patent</td></tr> <tr> <td colspan="2" style="text-align: right;"><b>SUBTOTAL (2)</b></td> <td style="text-align: right;"><b>\$ 0.00</b></td> </tr> </tbody> </table>		Extra Claims	Fee from Below	Fees Paid	Total Claims <u>19</u>	- 20 *	0 x 50 =	0.00	Ind. Claims <u>2</u>	- 3 *	0 x 200 =	0.00	Multiple Dependent Claims add		360 =	0.00	Large Entity Fee (\$)	Small Entity Fee (\$)	Fee Description	1202 50	2202 25	Claims in excess of 20	1201 200	2201 100	Independent claims in excess of 3	1203 360	2203 180	Multiple dependent claim	1204 200	2204 100	Reissue independent claims over original patent	1205 50	2205 25	Reissue claims in excess of 20 and over original patent	<b>SUBTOTAL (2)</b>		<b>\$ 0.00</b>																																																																														
Appln. Type	Filing Fee(\$)	Search Fee(\$)	Exam Fee(\$)	Fees Paid																																																																																																																																																			
Utility	300	500	200																																																																																																																																																				
Design	200	100	130																																																																																																																																																				
Plant	200	300	160																																																																																																																																																				
Reissue	300	500	600																																																																																																																																																				
Provisional	200	0	0																																																																																																																																																				
<b>SUBTOTAL (1)</b>				<b>\$ 0.00</b>																																																																																																																																																			
	Extra Claims	Fee from Below	Fees Paid																																																																																																																																																				
Total Claims <u>19</u>	- 20 *	0 x 50 =	0.00																																																																																																																																																				
Ind. Claims <u>2</u>	- 3 *	0 x 200 =	0.00																																																																																																																																																				
Multiple Dependent Claims add		360 =	0.00																																																																																																																																																				
Large Entity Fee (\$)	Small Entity Fee (\$)	Fee Description																																																																																																																																																					
1202 50	2202 25	Claims in excess of 20																																																																																																																																																					
1201 200	2201 100	Independent claims in excess of 3																																																																																																																																																					
1203 360	2203 180	Multiple dependent claim																																																																																																																																																					
1204 200	2204 100	Reissue independent claims over original patent																																																																																																																																																					
1205 50	2205 25	Reissue claims in excess of 20 and over original patent																																																																																																																																																					
<b>SUBTOTAL (2)</b>		<b>\$ 0.00</b>																																																																																																																																																					
<b>SUBTOTAL (3)</b>		<b>\$ 0.00</b>																																																																																																																																																					

<b>SUBMITTED BY</b>			
Typed or Printed Name	Michael W. Haas	Reg. Number	35,174
Signature		Date	March 2, 2005
		Deposit Account Number	50-0558

<b>Mail Stop Amendment</b> <b>TRANSMITTAL FORM</b> (To be used for all correspondence after initial filing)		Application Number	10/790,321
		Filing Date	March 1, 2004
		Confirmation Number	9016
		Inventor(s)	TRIUNFO, JR.
		Group Art Unit	3743
Express Mail Label No.: EL 997386315 US		Examiner	Mitchell, T.
Total Number of Pages in This Submission:	11	Attorney Docket No.	02-64

ENCLOSURES (check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form (submit in duplicate) <input type="checkbox"/> Fee Attached \$ <input type="text"/> Check No.: <input type="text"/> <input checked="" type="checkbox"/> Amendment / Response <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits / Declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Form PTO-1449 <input type="checkbox"/> Cited References <input type="checkbox"/> Search report <input type="checkbox"/> Drawing(s): Number of Pages _____ Number of Figs. _____ and cover sheet <input type="checkbox"/> Formal <input type="checkbox"/> Informal	<input type="checkbox"/> Assignment Papers <input type="checkbox"/> Cover Sheet <input type="checkbox"/> Drawing Change Authorization Request and Amended Figure(s) <input type="checkbox"/> Request for Return of PTO-1449 Forms <input type="checkbox"/> Petition to the Commissioner <input type="checkbox"/> To Convert a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Address <input type="checkbox"/> Terminal Disclaimer(s) <input type="checkbox"/> Certified Copy of Priority Document(s) <input checked="" type="checkbox"/> Certificate of Mailing by Express Mail	<input type="checkbox"/> Issue fee Transmittal Form PTOL-85(b) + (c) and Cover Sheet <input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Request for Continued Examination (RCE) <input type="checkbox"/> Status Request Letter <input type="checkbox"/> Small Entity Statement <input type="checkbox"/> Request for Refund <input type="checkbox"/> Response to Missing Parts / Incomplete Application
<input type="checkbox"/> Other Enclosure(s): _____		

**Current Due Date:** March 2, 2005

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

Individual and Company	Michael W. Haas, Reg. No. 35,174 RESPIRONICS, Inc., 1010 Murry Ridge Lane, Murrysville PA, 15668
Signature	<i>Michael W. Haas</i>
Date	March 2, 2005

**CERTIFICATE OF MAILING**

I hereby certify that this correspondence and all enclosures are being deposited with the United States Postal Service with sufficient postage as "Express Mail Post Office to Addressee" in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this date: <u>March 2, 2005</u> , Express Mail Label No. <u>EL 997386315 US</u> .			
Typed Name	Michael W. Haas, Reg. No. 35,174		
Signature	<i>Michael W. Haas</i>	Date	March 2, 2005



03-04-05

IFW

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re PATENT APPLICATION of

Inventor : TRIUNFO  
Appln. No. : 10/790,321  
Conf. No.: : 9016  
Filed: : March 1, 2004  
Title: : FLUID RESISTANT AIRWAY ADAPTER  
Group Art Unit : 3743  
Examiner : Mitchell, T.  
Docket No. : 02-64

\* \* \* \* \*

March 2, 2005

## AMENDMENT

Hon. Commissioner of Patents  
and Trademarks  
Alexandria, VA 22313-1504

Sir:

## INTRODUCTORY REMARKS

In response to the Official Action dated December 2, 2004, please enter the following amendments and consider the following remarks.

**Amendments to the Specification** begin on page 2 of this paper.

**Amendments to the Claims** are reflected in the listing of the claims, which begin on page 3 of this paper.

**Remarks** begin on page 7 of this paper.

**CERTIFICATE OF MAILING UNDER 37 C.F.R. § 1.10**

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited with the United States Postal Service on March 2, 2005 with sufficient postage as "Express Mail Post Office to Addressee" in an envelope addressed to:

Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Express Mail Label No. EL 997386315 US.

Michael W. Haas, Reg. No. 35,174